

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARL BENTLY MARION II,  
  
Plaintiff,  
  
v.  
  
EDGAR OREGEL, et al.,  
  
Defendants.

Case No.: 1:24-cv-00872-KES-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN CLAIMS AND DEFENDANTS

Doc. 12

Plaintiff Carl Bently Marion II is represented by counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 5, 2025, the assigned magistrate judge issued findings and recommendations, recommending this action proceed only on plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against defendant Merritt and that all other defendants and claims be dismissed from the action.<sup>1</sup> Doc. 12. The findings and recommendations notified plaintiff that any objections thereto were to be filed within fourteen days of service. *Id.* at 3. Plaintiff did not file objections and the time in which to do so has passed.

---

<sup>1</sup> On June 3, 2025, the magistrate judge issued an order to show cause why this action should not be dismissed due to plaintiff's failure to obey court orders. Doc. 10. Plaintiff filed a response to that order on the following day, indicating that he wishes to "proceed on the claim found cognizable by the Court with the remaining claims to be dismissed." Doc. 11 at 2.

1 In accordance with 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of this  
2 case. Having carefully reviewed the matter, the Court concludes that the findings and  
3 recommendations are supported by the record and proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued June 5, 2025, Doc. 12, are adopted in  
6 full;
- 7 2. This action proceeds on plaintiff's Eighth Amendment deliberate indifference to  
8 serious medical needs claim against defendant Merritt;
- 9 3. Defendants Carlson, Cerda, Doe #1, Doe #2, Fishburn, Garcia, Gray, Hales,  
10 Moreno, Nicholson, Oberst, Oregel, Rocha, Sherman, and Ward are dismissed  
11 from this action;
- 12 4. Any remaining claims in the complaint against any defendant are dismissed; and
- 13 5. This matter is referred back to the assigned magistrate judge for further  
14 proceedings.

15  
16  
17 IT IS SO ORDERED.

18 Dated: July 22, 2025

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE